

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**IN RE AXA WAGE AND HOUR  
LITIGATION**

No. C 06-04291 JSW

**ORDER RE MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT**

The Court has received Plaintiffs' Unopposed Motion for Preliminary Approval of Class and Collective Action Settlement. The Court requests additional information from Plaintiffs.

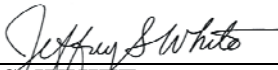
First, although Plaintiffs note that the monetary recovery per class member will vary based on a number of factors, the Court requests that the Plaintiffs provide their best estimate of the monetary benefit to an individual class member.

Second, the proposed notice states that the settlement benefits will be awarded after a number of deductions, including enhancement to payments to the named Plaintiffs, who have stated that they will ask the Court to award such payments in the amount of \$15,000 per Plaintiff. Whether to grant Plaintiffs' request is a matter committed to the Court's discretion. *See Van Vranken v. Atl. Richfield Co.*, 901 F. Supp. 294, 299 (N.D. Cal.1995). Accordingly, the Court would request that the proposed notice include a statement that the Court may award less than these amounts, as has been done with respect to attorneys' fees.

1 The Court HEREBY ORDERS Plaintiffs to file their written response to this Order by  
2 no later than February 17, 2009.

3 **IT IS SO ORDERED.**

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5 Dated: February 9, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE